

Town of Amherst
Zoning Board of Appeals - Special Permit

DECISION

Applicant: Mauro Aniello

Date application filed with the Town Clerk: January 11, 2006

Nature of request: A Special Permit to operate a pool hall, arcade and game establishment under Section 3.353 of the Zoning Bylaw.

Address: 59 Boltwood Walk (Map 14A, Parcels 322 & 344, B-G Zoning District)

Legal notice: Published on January 25 and February 1, 2006 in the Daily Hampshire Gazette and sent to abutters on January 26, 2006.

Board members: Zina Tillona, Ted Rising and Hilda Greenbaum

Submissions: The petitioner submitted the following:

- A floor plan for the proposed use, dated 2/1/06
- A revised floor plan, plus a plan of the south face of the building showing where the proposed signs would be located, dated 2/15/06
- A Management Plan, first submitted with the application, and revised for the 2/22/06 hearing

The public submitted the following letters:

- A letter from Elizabeth Massey dated February 9, 2006, stating that the proposal would negatively impact the police force and the Town budget.
- A letter from Kathleen Koplow dated February 9, 2006, stating that the management plan of the applicant is deficient, and that the proposal may not fit with the goals of the Amherst Redevelopment Authority for the elderly.
- A copy of the Final Project Report outlining the goals of the urban renewal project of the Amherst Redevelopment Authority, dated January 12, 1973.
- Three letters from Alan Root, one dated February 9th and two dated February 17, 2006 objecting to the proposal, and a list of possible conditions if the Special Permit is granted, submitted at the February 22, 2006 hearing.

Site Visit: February 7, 2006

The Board met with Mr. Aniello at the site. They observed the following:

- A funeral home garage abutting to the north, plus several businesses, restaurants, and the Bangs Community Center that are located around the perimeter of the Boltwood Walk parking area
- The Ann Whalen Apartments located behind the Bangs Community Center and the Clark House (400+ feet away) located behind Pinocchio's Restaurant on the easterly side of the Boltwood parking area, across from the site under consideration.

- The two entrances/exits for the proposed business, both facing the Boltwood parking area
- A wall partially dividing the proposed space, which will be removed to create one large area
- The complete separation from the upstairs restaurant; there is no connecting door or passageway
- The cash counter, currently by the doorway, which will be moved to the back near the proposed vending machines
- The floor-to-ceiling windows comprising most of the easterly and northerly sides, resulting in a bright, open space

Public Hearing: February 9, 2006

Mauro Aniello, the petitioner, spoke to the application. He gave the following information:

- The proposed game room, called "Corner Pockets", would be located at the space of the former Raven Bookstore.
- The petitioner has tried for six months to rent the space, but has been unable to do so.
- From his management of the Monkey Bar and other restaurants, the petitioner realized that teenagers need their own place, and decided that pool tables and other games would fill a niche; hence the proposal.
- The entertainment would be three pool tables, one air hockey table, video games, two televisions and one digital juke box.
- Vending machines would offer an array of snacks; no other food would be available except at private parties.
- There would be no alcohol allowed in the Corner Pocket at any time; this ban would include special parties and private functions as well as regular operations.
- There are two entrances/exits; staff will stand at the doors, monitoring those who enter or leave.
- This proposal is not a sophisticated operation, just a game room. The games would be coin-operated. Pool, for example, will be \$1.50 per game.

Ms. Tillona asked the applicant to describe the kinds of pre-booked parties and how they would be managed. Mr. Aniello responded that:

- The private parties might be birthday parties or special event functions. The hosts would rent the space; no outside customers would be allowed during rental times.
- No more than 40 people would be allowed for parties, which is the same limit as that for walk-in customers
- The music would be juke box only; no other live or recorded music would be allowed.
- Food could be delivered for private functions, but again, no alcohol would be permitted.

Mr. Rising inquired further about alcohol use or service. Mr. Aniello stated that there would never be alcohol allowed at the Corner Pocket, and that the management staff would strictly regulate this.

Mr. Rising asked about people congregating outside, as they do at Antonio's Pizza. Mr. Aniello replied that at 12 midnight, the game machines would not accept coins any more for new games, and customers could only finish those games already started. At 12:30 a.m., the two staff would require patrons to disperse. Patrons will not be able to congregate. One staff would be inside, one outside, telling patrons to move on. Mr. Aniello's staff has much experience with this technique, and it works well for 40 people, he said.

Mr. Rising asked about the training for the management staff. Mr. Aniello answered that the staff is

already trained from working in the Monkey Bar, his establishment upstairs which is in the same building, but with independent access. All of the staff have worked with him for at least seven years and some longer, he said. Mr. Aniello introduced Tom Walsh, the manager who has worked at the Monkey Bar for years, he said.

Mr. Rising asked what would happen if the situation got out of hand. Mr. Aniello responded that security from upstairs (at the Monkey Bar) that would come down. There is additional staff, and six managers can be available for the Corner Pocket if necessary.

Ms. Greenbaum asked who the clientele might be. The applicant responded that he's anticipating a broad age range, but particularly 16-20 year olds. He said that there's a large number of youth under 21 years of age who cannot go to bars, and others who don't like bars but like to play games. The Corner Pocket would be available to those customers. Only 40 people total would be allowed in the establishment, and only 5 to 10 customers could enter at one time.

Mr. Aniello also stated that families with young children are welcome. He does not want to have an arbitrary age limit that would not allow young children who are accompanied by an adult. As for parties, there will be rules and limits concerning supervision of children.

Ms. Tillona asked where customers would wait to play the games. The applicant said that they can wait on the east side of the room where couches and tables/chairs will be provided. The floor plan proposes seating for about 30 people.

Ms. Tillona asked about refreshments. The applicant said that soda, snacks, ice cream, etc. would be available from the vending machines. There would be trash barrels in the four corners plus one in the middle of the room. Patrons must consume the food inside; they will not be allowed to leave with food or bags of food that might be thrown away outside.

Ms. Tillona asked about music and noise management. The applicant stated that the management would be in control of the decibel level of the juke box. There will be no speakers outside. The space is air conditioned, so the doors will be closed at all times.

Ms. Greenbaum said that there may be a need for activities for this age niche, but the proposed hours seem to be too late. Moreover, the nature of the customers may change at night. That particular location of the Boltwood Walk is known as a drug area, she said. How can one keep the "straight kids" from getting mixed up with those on drugs if they both come into the proposed game room? Mr. Aniello replied that Tom Walsh, the manager, has controlled this kind of problem for many years and knows how to avoid this and other potential problems.

Mr. Rising asked about smoking. Mr. Aniello said that there has never been smoking inside any of his establishments. He abolished smoking in his restaurants 20 years ago, beginning with his first restaurant in Amherst, Pinocchio's, located in North Amherst.

Ms. Tillona posed a situation of a "young punk" who had been drinking in a bar earlier. Although he would not have alcohol with him, what would be the policy in such a case? The applicant replied that the managers will always ask for an I.D., no matter what the age, before the customer would be allowed to enter. If the person is a "punk", he simply wouldn't be admitted. The Board noted that the applicant and managers have had experience with potential troublemakers at the Monkey Bar, so that staff knows how to handle such situations if they surface.

Mr. Rising asked about signs and outdoor lighting. Mr. Aniello said that he will appear before the Design Review Board first, and then he will submit his signs to the ZBA.

Bonnie Weeks, Building Commissioner, stated that the Board may wish to see the proposed signs before closing the hearing. The Zoning Bylaw (Section 8.20) states that the total area of signs shall not exceed 10 percent of the area of a side of a building. In response to Mr. Aniello's question about neon signs inside a window, Ms. Weeks stated that such signs count as exterior signs and would apply to the 10% limit if they are meant to be seen from outside of the building.

Mr. Rising said that, in addition to the signs that must come before the Board, the Management Plan needs improvement. The changes must take into account all the issues raised by the Board that have concerned them about the operations of the business.

Ms. Weeks asked about dimming the lights inside the business. Mr. Aniello stated that the light switch is controlled by the manager, and will be at one level. There will be extra lighting over the pool tables that are lower than the ceiling lights, and will illuminate just the pool tables. Ms. Tillona noted that different levels of light will be needed for the inside, depending on the game and the daylight outside the building.

Entertainment was addressed again. Mr. Aniello stated that the juke box will be the only music provided, and the manager will be in charge of it. There will be no live music.

Mr. Rising stated that a major concern is the potential for disorderly conduct of the people outside the proposed establishment. Mr. Aniello stated that he feels strongly about controlling disorderly conduct, and does not allow this inside or outside his establishments. He closes the Monkey Bar the earliest of all the downtown bars, for example, and does not allow the patrons to congregate outside his premises. He uses three staff to get the crowd moving away from his property. He would do the same at the proposed place if needed.

Ms. Tillona asked for comments from the public. She noted that the Board would not vote on the proposal that evening, since the sign designs are needed, the Management plan needs to be revised, and final floor plans are needed. Six people spoke at the hearing.

Joelle Adlerblum, 22 Lessey Street (Clark House) said that she has two major concerns. First, kids that are going to school and other teenagers may get "hooked" in this environment. They may head there right from school. The place may attract delinquents and dropouts, and may be a hangout for those who would have a negative influence on school children. The place won't contribute to the well being of teens, she stated. Secondly, from living on Lessey Street, she said that the proposed scene is familiar. Given the Pruddy's experience, (referring to a bar that existed right next to the Clark House for a number of years) she thinks that kids will be raising hell; there will be lots of noise and alcohol obtained illegally; there will be fights, damage to cars, etc. Ms. Adlerblum said she is not convinced that the proposed use will be a benefit to the community.

Mary Wentworth, 22 Lessey Street, said that she lives on the side of the Clark House that overlooks the Boltwood parking lot. She said that she knows what goes on downtown and the problems that are there 3 to 4 nights per week. She stated that Police Chief Scherpa has described the scene from 10 p.m. to 2 or 3 a.m., with the large numbers of young people on the streets. Ms. Wentworth feels that since the proposed business opens onto the Boltwood parking lot, this will add to the misbehavior that already goes on along North Pleasant Street. She stated

that catering to the needs of the young was not what was proposed when the Clark House and Ann Whalen Apartmentss were added to the area as part of the Urban Renewal Project (for the Boltwood Walk area, Final Project Report of January, 1973).

Ms. Wentworth suggested that an exercise area or a gym would be a great business for that location, and would not contribute to the crowd downtown. With 500-1000 kids congregating on the weekends, she said, it's time to call a halt to these crowds. She added that she does not agree with Mr. Aniello - Monkey Bar patrons do contribute to the crowds when they go for pizza or other food after the bars close.

Elizabeth Massey, 22 Lessey Street, Apartment 602 of the Clark House, said that she is concerned about the lighting in the proposed business. At the mall, the inside of the arcade is very dark. Will the lighting for the proposal be similar? Mr. Aniello assured the Board and audience that lighting will not be dimmed and will remain steady throughout the hours of operation.

Ms. Massey referred to the letter that she had submitted to the Board. She cited the Select Board's estimate that 60% of the Police Department budget is college related, and that Chief Scherpa considered police work downtown on weekends as bedlam control. Ms. Massey said that the noise downtown starts around 12:20 a.m. and what is heard at the Clark House is a low roar. She is fearful that this noise will happen in the Boltwood parking area if the proposal is granted.

Ms. Massey said that the Monkey Bar is run well, and thinks that the applicant will run the game room well. But, if businesses are added that require more and more police, this will be very negative for the Town, she said.

Kathy Koplow, manager of the Clark House, stated that the applicant needs a better Management Plan. She sees a problem with high school kids exposed too much with the college crowd. It's ill-conceived to mix high school and college aged kids, she said. The atmosphere and environment will be a problem with this venue, and make matters worse downtown, she said.

Ms. Tillona replied that one of the problems for high school youth is that there is nothing for them to do. The question is - will this proposal help fill the gap or not?

Ms. Tillona said that she read the copy of the final report submitted to the Board for the Boltwood Walk Urban Renewal Project, dated 1973. She said the report does not support one of the earlier speakers who claimed that the area was focused on seniors, and who questioned why businesses were located downtown.

For the record, the final report's objectives include "strengthening the town center as a functional and symbolic focus for the entire community", "reinforce the existing adjacent commercial area and thus improve the economic viability of the whole center of town", provide "community facilities", and provide "housing opportunities for persons of various financial situations", particularly the elderly.

Alan Root, 33 Kellogg Avenue, Apartment #1 of the Ann Whalen Apartments, stated that he lives the closest of anyone to the proposed business. He has taken sound readings downtown. For the Monkey Bar, some of the readings are very loud, he said. He wonders what the sound readings would be in the downstairs space of the applicant's building, which is somewhat closer than the Monkey Bar to his apartment.

Mr. Root stated that for many years teenagers played pool in the Bangs Community Center. They even played during daily school hours, he alleged. When the School Superintendent raised the issue, the pool stopped at the Bangs Center, he said. The applicant's proposed hours of operation include school hours. "Are we encouraging truancy?" he asked.

Mr. Root stated that the hours of operation need to be changed in the late night. There is too much liquor consumed at late hours. He does not understand how the applicant's management can control what happens outside his establishments. The police controls what happens on the sidewalks and streets, not the management personnel. One o'clock a.m. is too late for teenagers, Mr. Root said. He proposed a one year Special Permit for a test case, to see if the proposal is compatible with the neighbors who live at the Ann Whalen Apartments and the Clark House.

Christina Rose, 22 Lessey Street, said that she agrees with her neighbors. She added that many video games are violent; the kids love them, but they can encourage violence. She recommended that the type of games allowed at the game room should be considered as part of the Special Permit. Ms. Rose also stated that the security people at the Clark House have to deal with problem kids there all the time. The Select Board meeting referred to by other speakers focused on the serious problems with violence and unlawful behavior downtown.

Mr. Rising moved to continue the hearing to February 22, 2006 at 4 p.m. Ms. Greenbaum seconded the motion, and the vote was unanimous.

Continued Public Hearing: February 22, 2006

Ms. Tillona opened the hearing. She said that the Board had had questions from the previous hearing and had asked for a more detailed Management Plan from the applicant, which he has provided. A revised plan also was submitted, which included the location of the proposed signs.

Ms. Tillona said that the public submissions can be written or spoken comments, and that the Board had received two letters from the public since the previous hearing.

The applicant, Mauro Anniello, gave the following information:

- The proposed game room is completely separate from the other businesses on the property (the Monkey Bar, Starbucks, and a tattoo parlor)
- He wishes to emphasize that the proposal is for *family-type entertainment*. There will be TVs and games. There are quite a few people, he said, who want to sit and watch games, but not be in a bar.
- The revised Management Plan reflects all the concerns the Board mentioned at the previous hearing. Specifically, 1) there will be no live or recorded entertainment, only the juke box, 2) There will be two full-time staff on duty, trained by the applicant and the existing manager, who will monitor the activities and noise, 3) The vending machines will offer all food consumed inside the space, unless a private function caters the food.
- The floor plan reflects the placement of the cash counter, the seating areas and the game spaces. The proposed sign locations are shown on the plan of the easterly side of the building.

Ms. Greenbaum, referring to the management plan's stipulation that only customers 17 years and older will be admitted after 8 p.m., asked what will happens at 8 p.m. Mr. Aniello said that IDs will be checked and those younger than 17 years will be asked to leave. He added that if youngsters

are there during school hours, the staff will call the school principal if necessary. Throughout the entire day, the managers will check IDs and monitor activities

Ms. Greenbaum asked Mr. Aniello if he had thought of having a membership club for the Corner Pocket and issuing the club's own IDs. Mr. Aniello agreed, but he would still have the customers sign in as they enter, in case a situation would arise. A database could be developed for club membership, including the name, address, parents name and phone number; IDs could be shown for youth unaccompanied by an adult up until 8 p.m. The management could then call parents or the high school principal if necessary. Ms. Tillona noted that it would be good to have the parent's names of younger members of any game club for liability reasons.

Mr. Aniello said that he would like to encourage the folks at the hearing and their neighbors to visit the establishment, and give him any concerns that they may have at any time.

Mr. Rising asked about signs for the business. Mr. Aniello said that his sign company is on vacation, so that he couldn't have a rendering for the hearing. He will submit the plans at a future date.

Ms. Tillona opened the hearing for comments from the public. Two neighbors spoke who had not spoken at the earlier hearing, plus four who had spoken previously.

Fern Finger, Clark House, said that she was concerned about youth using the facility. She asked who was allowed to enter the game room prior to 8 pm. Mr. Aniello replied that who would be admitted would be monitored from opening to closing. As a parent himself, he said that he does not want any child to be in an unhealthy atmosphere. Adults and children would be allowed until 8 pm. After 8 pm., only customers 17 years and older allowed (unless for a private function).

Joelle Adlerblum, Clark House, asked if Mr. Aniello would require the name of the school on the IDs of school age kids. Ms. Greenbaum said that if Mr. Aniello maintained a database that could be one of the pieces of information for Corner Pocket members. Ms. Tillona noted that reasonable care could be taken to screen out "roaming kids."

Alan Root, 33 Kellogg Avenue, said that there was a clear possibility that an appellate process could result from this hearing. He distributed a list of 21 proposed conditions, if a Special Permit was issued for the proposed use. He said that his suggestions would make things more specific than what was listed on the submitted Management Plan.

The Board read and discussed the 21 proposed conditions in relation to what Mr. Aniello had proposed. The major changes suggested by Mr. Root involved the hours of operation (closing at midnight instead of 1 a.m.) and only 18 year olds (not 17 years) would be admitted. The suggestion that noise not exceed 70 decibels is meaningless, stated Ms. Greenbaum, because the decibel level is a relative measurement. Noise level must be compared to something else, such as the ambient noise level on North Pleasant Street.

There was discussion about how the Management Plan is part of the Special Permit. Ms. Tillona stated the Management Plan will be voted on by the Board and referenced as a condition that must be followed as part of the Special Permit. It becomes part of the Board's decision. Some of the more important parts of the management plan can be singled out and conditioned separately if the Board chooses. Should an appeal of the permit be made, the Management Plan can be submitted

as evidence as part of the Board's decision.

Mark Snow, Assistant Building Commissioner, added that if the business is operating and a complaint is made that the management plan is not being followed, Inspection Services will inspect, and shut down the business if necessary.

Mr. Root stated that the submitted floor plan is incorrect. There is no third means of egress at the back of the room. Mr. Aniello said the door is only 4 ½ feet high, and was used earlier by the Raven Bookstore to deliver books into the store. It cannot be used at all now.

Mr. Aniello gave a short history of his time in Amherst since 1980. He ended by saying that when he bought the entire property (in the General Business District) of which this proposal is a part, his understanding was that the focus would be on business – including that store facing the Boltwood garage area. He said that he pays \$16,000 in taxes on the property, and in order to be successful in business, he has maintenance and upkeep daily. He has managed his properties well, and if the proposed business was not going to be successful, he would be the first to note it.

Mr. Aniello said that his integrity speaks for itself. He has always told his Monkey Bar customers to respect the neighbors when they leave, and he respects the neighbors himself. If the neighbors are unhappy with the proposed business, he will make adjustments.

Ruth Bakus, 22 Lessey Street, asked about the ratio between clients and staff. Ms. Tillona replied that with 40 patrons an upper limit, and 2 or 3 staff at one time, the ratio would be 20 to 1 at the most.

Mary Wentworth, 22 Lessey Street, said that she feels that the proposal is not in keeping with the overall requisites of the ZBA (Section 10.38 of the Zoning Bylaws) and not in harmony with the Town Bylaws. The proposed business will attract young people, and youth are a drain on the police. The establishment will add to that drain.

In terms of video games, Ms. Wentworth said that there is research showing that violent games are arousing to youth and contribute to violence. Moreover, those denied access may hang around outside and be quite noisy.

Kathy Koplow, Manager of the Clark House, said that there are 100 homes in the Clark House. If Mr. Aniello wants to have alcohol at his business, he can apply for a new Special Permit, she said. She strongly urged the Board to have a review time for the Special Permit, so that the neighbors can give feedback on how they have been impacted by the use.

Ms. Koplow also took exception to the phrase "Clark House Brigade" used in jest by the Board Chair. She said that the Clark House residents wish to be treated with respect.

Mr. Snow, Assistant Building Commissioner, asked how the occupancy was determined by the applicant. Mr. Aniello said that the architect calculated it from the plumbing code (two restrooms). Mr. Snow also asked about removing the interior partition. Mr. Aniello said that it was not load bearing, and will not affect the HVAC system. The emergency lights will be re-installed on the walls.

Ms. Greenbaum moved to close the evidentiary part of the hearing. Mr. Rising seconded the

Motion, and the vote was unanimous to close the hearing..

Public Meeting:

Ms. Greenbaum said that she does not wish to be the guardian of public morals, but to let the market decide whether such a business will work. She doesn't want to prevent families from playing pool. Also there is a need for teens to do something, not just hang out on the streets. The Boys Club has pool tables, but membership is very low there, she has been told.

Ms. Tillona agreed. She said that the Boys Club has been kept alive for too few members. The market has not decided on its existence.

Mr. Rising said that he would like to have the proposed use open for youth less than 16 years old to go there for parties. Kids have parties at all kinds of places, he said, and this would fill another niche.

Mr. Rising said that he is concerned about noise. Amherst is really a small city, with businesses and housing close together. The businesses have noise, conflicting with housing nearby for seniors who like to go to bed early. With this petition, Mr. Rising said, the efforts made by Mr. Aniello are reasonable, and he's doing as much as he can to appease the neighbors. What the Board can do is to support the application, but look again at the conditions in two or three years to see if the conditions cover the concerns satisfactorily.

Ms. Tillona agreed that the Town strives to have successful businesses without offending the neighbors. She added that Mr. Aniello cannot be a truant officer for teens, even though he will check his customers via ID cards and strict management.

Ms. Tillona suggested that the Board proceed in three steps.

1. Take a general vote first. If any Board member votes no, then the process is finished. If all vote yes, then the Board will work on the conditions.
2. The Board considers Mr. Root's proposed conditions, compare them with Mr. Aniello's management plan, and reconcile the differences.
3. Condition the Management Plan as part of the decision. Specific conditions can be made for hours of operation, number of employees, etc.

Findings:

The Board finds under Section 10.38 of the Zoning Bylaw, Specific Findings required of all Special Permits, that:

10.380 & 10.381- The proposal is suitably located in the neighborhood in which it is proposed, and is compatible with existing uses since the area is the central business district for the Town, where the highest concentration and greatest variety of businesses exist. The building in which the proposed game room is located contains a coffee shop, a tattoo parlor, and a restaurant/bar.

10.382 & 10.385 – The proposal would not constitute a nuisance due to noise, vibration, lights or visual offenses, since the only music would be a juke box controlled by the management. Management will control who can be admitted and will not allow crowds to congregate outside; these stipulations are covered in the approved Management Plan and by conditions of this Special Permit. Moreover, the Board finds that other buildings and the parking garage area separate the site from the two major apartment buildings where all of the concerns for the proposal have originated, so that noise from the game room should minimally impact the downtown residents.

10.383, 10.384 & 10.387 - The proposal would not be a substantial inconvenience to abutters, vehicles or pedestrians, since there is a wide sidewalk outside the establishment that separates the parking garage area from the game room, management will provide security and ensure safe behavior of the patrons. The abutters are other businesses. The building is relatively new and has all the appropriate wheelchair accessible restrooms and doorways. Lighting is good and the HVAC system was built for a more intense use than proposed.

10.386 – The proposal is in conformance with parking, since none is required in a municipal district. Signs were indicated on the submitted plans, and the locations were approved by the Board. Drawings of the sign – with dimensions, colors, etc – will be submitted to the Board for approval at a public meeting prior to occupancy.

10.388 – The proposal ensures adequate space for loading and unloading of products, since delivery areas are provided in front of the building on North Pleasant Street, and there are marked delivery spaces in the Boltwood parking area as well.

10.389 & 10.396 – The proposal provides adequate methods of disposal for refuse and recyclables, in that trash and recycling receptacles will be provided inside the establishment, and the applicant has a recycling/refuse screened facility built on the property for the entire building. Management will ensure that trash will be disposed of inside and will not go outside the game room into the parking area.

10.393 – The proposal provides protection of adjacent properties by minimizing the intrusion of lighting with light shields and downcast lighting, as shown on the plan of the easterly building façade approved by the Board at the public meeting following the hearing.

10.398 – The proposal is in harmony with the general purpose and intent of the Bylaw in that a recreational facility is appropriate for a General Business District. The proposed strict management of the business should promote the safety and general welfare of Amherst citizens, and particularly the teens who may frequent the Corner Pocket.

Zoning Board Decision, Public Meeting:

Mr. Rising made a motion to APPROVE the application with conditions. Ms. Greenbaum seconded the motion, and the vote was unanimous.

For all of the reasons stated above, the Board VOTED to GRANT a Special Permit to operate a pool hall, arcade and game establishment under Section 3.353 of the Zoning Bylaw on the premises at 59 Boltwood Walk (Map 14A, Parcels 322 & 344, B-G Zoning District) as requested in the application filed by Mauro Aniello, with conditions.

ZINA TILLONA

TED RISING

HILDA GREENBAUM

FILED THIS _____ day of _____, 2006 at _____,
in the office of the Amherst Town Clerk _____.

TWENTY-DAY APPEAL period expires, _____ 2006.
NOTICE OF DECISION mailed this _____ day of _____, 2006
to the attached list of addresses by _____, for the Board.

NOTICE OF PERMIT or Variance filed this _____ day of _____, 2006,
in the Hampshire County Registry of Deeds.

Town of Amherst
Zoning Board of Appeals

SPECIAL PERMIT

The Amherst Zoning Board of Appeals hereby grants a Special Permit to operate a pool hall, arcade and game establishment under Section 3.353 of the Zoning Bylaw on the premises at 59 Boltwood Walk (Map 14A, Parcels 322 & 344, B-G Zoning District) as requested in the application filed by Mauro Aniello, subject to the following conditions:

1. Use of the Corner Pocket by unsupervised youth 16 years and younger will be limited to the hours of noon to 8 p.m.
2. After 8 p.m., only customers 17 years or older will be admitted.
3. For private functions with adult sponsors, all age groups shall be permitted admittance.
4. Identification Cards (IDs) will be checked for all who are admitted to the game room.
5. Two employees shall be present and on duty at all times.
6. The hours of operation shall be noon to 12:30 a.m. daily.
7. The Management Plan, approved at a public meeting February 22, 2006, shall be on file with this permit in the office of the Board of Appeals, Planning Department.
8. The floor plan of the business, approved at a public meeting February 22, 2006, shall be on file with this permit in the office of the Board of Appeals, Planning Department.
9. Music and other noise of the game room shall not be audible outside of the building.
10. Alcohol shall not be permitted on the premises at any time.
11. Exterior lighting and signage shall be submitted to the Board for review and approval at a public meeting prior to occupancy.
12. The Special Permit and Management Plan shall be reviewed at a public meeting within three years of the business opening or upon change of ownership.

ZINA TILLONA, Chair
Amherst Zoning Board of Appeals

DATE